App F IX-4

Previous References
CH Sec/ NF 753/53

1954-55
(CH)

File No 52-64-
Serial Nos 4, 5 & 14

Later References
LL 477 B4 B5)

MYSORE GOVERNMENT SECRETARIAT

Serial Nos FOUR

P=30
E

Part B for August 1954

SUBJECT

Grant of extension of services to Sri T S Resikachar, B A, Manager Corporation of the city of Bangalor

WD 04867—GPB—9 000—11 1 54

To,

The Commissioner, Bangalore corporation
" Accountant General
" Controller, S A-D,
" Auditor, Bangalore corporation
L-6068-51/ Dated 24 8 54

Sanctions

18/9/54.

1781/M

Extension of Service to Sri T S Devkachar

From

The Commissioner, C.C.B

No B.1/12/2447/53-54 dated 29-3-54
31

Records Resolution dated 18-3-54 of the Corporation Revoking the previous recommendation to grant 6 months Extraordinary to the Manager from 4.3.54 and 6 months Superannuation Leave from 4.9.54

C.M Dep papers 753/53

Flag 'L' Referring Extension of Service to Sri. T S Devkachar, Manager, of the Corporation Offices

2) The Corporation before whom the letter of the Govt was placed has Revoked the previous Recommendation and the Govt modifications to Sanction Extension of Service to the Manager.

3) The reasons for the Reasons explained in para 3 of the letter Govt may be authorised to Sanction extension to the Manager

2) 128/mb

Extension of Service to Sri T.S. Devadhar

---

3) The Corporation Bank Ltd as the Corporation Auditor wants Sanction of Govt for advancing the Salary Grd of Mr Devadhar, owing to his post has referred the matter ~~has been referred~~ to Govt., not for Sanction of the proposal but for directing the Controller to pass the Bill in credit on the Strength of the Corporation Books

4) Rules for orders.

5) Has Corpn powers to appoint Mr Devadhar, as stated by the Corpn. Pl examine with regard to rules & Putup on 12-4-54 positively

11/4

6) The Corpn has powers to make appointments on Salary of the monthly maximum. Salary ~~is~~ Rs 1000/-. ~~and does not exceed~~ If the Salary exceeds Rs 1000/- the Corporation shall make ad Necy. appointment the maximum monthly Salary of which exceeds Rs 850/- Regarding the previous Sanction of Govt. So in this case the appointment is to be made by

Exclusion of Bowra & Sh T S Balakachar

Mysore Government Secretariat

File No 128 2nd of 1954-55. [App F (113)

Serial No	
	the Corporation under the previous Sanction of Govt.
	7) the Manager is not given the gazetted Powers. Under Art 294 (c) M.S.R. the Heads of Depts are empowered to grant Exemption of Rent upto & incls to non-gazetted Staff the Comm is declared a Head of the Dept; He is therefore Competent to Sanction grant Exemption in the Case But the powers of appointment are circumscribed by Sec 89 of the Corp's Act the Restriction on the power may apply to the granting Exemptions also. The authority of enquiry to these & other matters is the Corporation. In the absence of Specific mention in the Act about Exemptions must by virtue of the powers delegated in Art 294(c) M S R it is assigned thus. the Corporation is Competent to grant Exemption to the Manager.
	8) Subs for order Ref para 5 above by 1714.
	9) Govt have surrendered the proposal under Act in 1714.

Note—Contn Sheet

Sd/ 1/11

(4)

File No of 195

Mysore Government Secretariat

Serial No

Post carrying a pay Rs 250 and above, any appointment to that post requires previous appl of Govt. Whether it is in the nature of an extension of service or not, the Continuance of Sri Deecha char amounts to employing a pensioner to a Post Carrying a pay Rs 250 + above Now Govt have powers either to approve the proposal or refuse. ~~The Corpn Co~~ Sub Section 2 of Section 89 reads as follows

" Any appointment to an office under the Corporation under Section 84 or Section 85 or under this section the maximum monthly of which exceeds two Hundred and fifty Rupees shall be made only with the previous ~~appl~~ Sanction of Govt "

A (10) As there is a mandatory provision Govt have ~~appl~~ powers either to order continuation of this officer or refuse to extend the service of this officer Corpn Cannot presume that they have got powers to extend the Services of officers getting Rs 250 for more Then is an important matter which has to be considered in detail and ruling given because Govt may later on say that even officers

Extension of the Services of Sri T S Desikachar Manager Corpn

Mysore Government Secretariat

File No 128/54 of 195

[App F III 2(5)

296

Law 54-55

Serial No

Drawing Rs 500/- may be continued in the Corpn even after retirement, by a Resolution passed by the Corpn Law Secy may kindly be consulted whether the opinion given at "A" above is correct

Secy (Leg)

13/4

for favour of perusal

14/4

Law Secy)

14/4

The question for consideration is whether sanction of Government is necessary for extending the services of Sri Desikachari, Manager, Corporation Offices, for a period of one year According to Section 89 of the City of Bangalore Municipal -- Corporation Act, 1949, subject to the provisions of Sections 84, 85 and 88 of the Act, appointments to the Corporation establishment shall be made by the Corporation if the maximum monthly salary of the offi exceeds Rs 100/- and by the Commissioner in all other cases and it is further noted in this section that an appointment to an office under the Corporation under Section 84 or Section 85 or under this section (89) the maximum monthly salary of which exceeds Rs 250/- shall be made only with the previous sanction of the Government The salary which Sri Desikachari is getting is not specifically mentioned but it is

SECRETARIAT GOVERNMENT LAW DEPARTMENT

MYSORE GOVT. SECRETARIAT No 15 1951 LAW BRANCH

Law 14/4/54

Note—Contn Sheet

Ex Leave & Services to Sri Desikachar Kanappa Gopalakrishnan

File No 128/Misc. of 195

Mysore Government Secretariat

Serial No

is ascertained that from 1.4 1954 he is drawing a salary of Rs 280/- per month Apart from this, there is another question which also has to be considered It is stated that sanction of Government is necessary in case of an appointment the salary of which exceeds Rs 250/- and not for an extension of service as in the present instance No provision of law or any authority has been cited by the Commissioner of the Corporation regarding this contention, in his letter dated 29th/31st March 1954 Further, reference is invited to Article 294(c) of the Mysore Service Regulations According to this clause, the Commissioner of the Corporation of the City of Bangalore is treated as the Head of the Department and Heads of Departments are authorised to grant extension of service for a period not exceeding six months only in very exceptional cases if the Government servant is considered to be efficient and such extension is considered absolutely necessary in the interests of public service. No doubt, Article 294(c) of the Mysore Service Regulations gives power to the Heads of Departments to grant extension for a period of six months, but, according to Section 89 of the City of Bangalore Municipal Corporation Act, previous sanction of Government is necessary for making an appointment carrying a salary exceeding Rs 250/- If no extension is given to Sri Desikachari he has to automatically retire No officer or official can

WD 04861—GPB—60 000—22-1 54

Extension of service to Sri. Seshachar, Manager Corporation

Mysore Government Secretariat | 128/SSD 1260 | File No. 296 of 1954-55 | [App F III 2 (7)

Serial No	
	can claim extension as a matter of right It is stated by the Commissioner that the present case is not governed by Section 89 of the Act and this contention cannot be accepted as no authority or any provision of law is cited in support of this contention On the other hand, extension of service may be practically treated as fresh appointment Further, if there is any conflict between the Mysore Service Regulations and the Corporaton Act - the provisions of the latter Act have to prevail in the circumstances. Hence, previous sanction of Government is necessary for the grant of extension
	Secretary-L S G) 8/6/54
12	Inform the Commissioner accordingly and find out if the Appeal has been allowed on the date he attained the age of Superannuation 15/6 15/6 Attend today 15/6
13	--
14	Draft letter is in appeal 15/6 Issue today 15/6 16/6 16/6 To the Commissioner QCB L. 2889/CR 52-54-5 dt 16-6-54 Directs that P S C rules applicable to Corporation employees & previous sanction is necessary for voluntary service

Note—Contn Sheet

21/6/54

Dispatched Ans. 1423/nil 21-6-54

SECRETARIAT 16 JUN 1954 DEPARTMENT

(8) Extension of Service to Sri Doddachari Manager Corporation

File No 128/Misc 2394 of 195

Mysore Government Secretariat

Serial No

By

The Commissioner C & B

Letter No B 12 : 247 / 53-54 dt 28-6-54

Rule that Corporation has power to grant extension to its employees

16) Orders of the Secretary to G

Examine

(sd) G V K

17) The Law Secretary has already opined that previous sanction of Government is necessary for grant of extension to the employees of Corporation at Para 11 the Commissioner C & B says that he has power under article 294(c) to grant extension upto to six months Rct When the M S R & Corporation Conflict each other the Provisions of the Act Law opinion is that the Provisions of the Act prevail Hence the stand taken by the Commissioner that to the effect that he can grant extension upto to six months to the non-Gazetted employees of Corporation under article 294(c) Conflicts with the

Grant of extension of Service to Sri Desikachari Manager of the Corporation

Mysore Government Secretariat

128] 2394/mh File No of 195 [App I III 2 (9)

Serial No	
	Section 89 of the Corporation Act Under Section 89 of the Commissioners Can appoint ~~Establishment~~ persons to post carrying a Pay not exceeding Rs 100 p.m. The Present Manager draws a Pay of Rs 250/- He cannot be appointed for his term Can be extended by the Commissioners
18	Sri Desikachari has been Continued in Service from 4-3-54 He has been granted refused leave from 4-9-54
19	The Points for Orders are:— (a) No has Power under the Corporation Act to grant extension of Service to the Corporation Employees — Government or Commissioners or Corporation
	(b) Affirming the extension of Service to Sri Desikachari for a Period of six months from 4-3-1954.
20	For orders with reference to Paras 12 & 16 supra
	47/54 Sec 7/7
21)	The Comr has been informed of the opinion given by Law Secy Sri Desikachari is continued as Manager (Refer to Para 12) Secy Dept)

12 JUL 1954

Note—Contn Sheet

Grant of Calendar Service to Sri Deshikachar, Manager Corporation

(10) File No 2394/Ind of 195

Mysore Government Secretariat

Serial No

22) This is a clear case in which the Corporation have wilfully defied the order of Govt This is an extremely unhealthy tendency and it would be our unpleasant duty to see that the provisions of Law are obeyed The Commissioner will if affd be informed of the Legal position and told that his proposal cannot be approved

G V K Rao 12/7

Munisly) 23) 14/7/54

15 JUL 1954 SECRETARIAT DEPARTMENT

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT 13 JUL 1954 No 1636

15/7 15/7

24) Draft letter is for approval

19/7/54 20/7 25) too many corrections in the draft pl put up typed draft today

23/7

MILITARY TO G 24 JUL DEPAR

26) Typed draft letter is put up for approval

de 23/7/54 Seen dsf 23/7

27) 28) Issued

27/7

WD 04861—GPB—60 000—22-1 54

Grant of Extension of Service to Sri TS Doddachari Manager Corporation Offices

Mysore Government Secretariat | File No 2394/md 321 of 195 | [App F III 2 (11)

Serial No	
	To the Commissioner C C B No L 4883 S/CH 52-54-9 Dated 28-7-54 Directed that the extension granted to Sri TS Doddachari Manager Corporation Offices may be sanctioned as it is not according to Law Copy to the Controller F&A & Auditor C&B L 4836-7 Dt 28-7-54 Forwards the above Cy for information 28 29-7-54 CH 52-54-9
	To The Commissioner C C B Letter No B 12 247/53-4 Dated 29-7-54 Regrets that sanction may be accorded to the Confirmance & to avail the leave for 4-9-54
29)	Orders of the Secretary "Work up Soon" Sd/- G L K 29-7-54
30)	The Corporation has Acceded to the Legal points raised at Para 11 Sp ~~Having Conceded~~ Regrets Sanction to (a) Grant Extension for a Period of Six months only from 4-3-54

Note—Contn Sheet

Grant of Extension of Service to Sri Desikachar Manager - Corporation -

(IV) File No 23945 3211/211 of 195

Mysore Government Secretariat

and (b) to Permit Sri Desikachar to avail refused leave of six months from 4-9-54 ~~is for reconsideration~~ the leave is admissible according to Article 154 a (2) of M S R

2/8/54 31) The recommendation of the Corpn as intimated in his letter dated 29-7-54 Comm & may be appd, as the Appeal has been confirmed in Office

6/8

Secy (Dept)

32) The Mayor and the Commissioner had met me. They stated that the Corporation had no intention of defying the orders of Govt. They also pointed out that the Appeal was extremely competent and that it would be difficult to replace him. In view of this, the latest proposal of the Corporation may be appd

G V & Rgs 13/8

Min (Dept) 33) Appd

19/8/54

34) Draft G.O is subs for approval

6/8/54 19/8

35) Done

To the Comm Corpn for info & necy action

" Mayor

" Contdr & A G

" Addl Secy (Dept)

" Secy to Govt Finance (Dept)

" Secy to Govt Local Admn (Dept)

" Secy to Govt Public Health (Dept)

" Secy to Govt Law (Dept)

" Secy to Govt Revenue (Dept)

" Secy to Govt Public Works (Dept)

" Secy to Govt Education (Dept)

" Secy to Govt Industries (Dept)

" Secy to Govt Agriculture (Dept)

" Secy to Govt Forest (Dept)

" Secy to Govt Labour (Dept)

" Secy to Govt Co-operation (Dept)

" Secy to Govt Planning (Dept)

" Secy to Govt Development (Dept)

" Secy to Govt Commerce

(1) 128

CORPORATION OF THE CITY OF BANGALORE.-

No B/12/247/53-54
Cdl

CORPORATION OFFICES,
BANGALORE

Dated 29th March 1954
31st

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE.

-1 APR 1954

To

The Secretary to the Government of Mysore,
L S G and Planning Departments,
Bangalore

C.M 52-54-4

SIR,

Subject EXTENSION OF THE SERVICES OF SRI T S DESIKACHARI, B A , MANAGER

With reference to your letter No 16154 dated the March 1954 I write to state that the said letter was placed before the Corporation at their meeting held on 18th March 1954 They have resolved that the extension of service for six months be given to Sri T S Desikachari, Manager, from 4th March 1954 and that he may be permitted to avail himself of the refused leave for six months from 4th September 1954, vide copy of the resolution enclosed This is practically a re-iteration of their original resolution dated 30th November 1953

2) In this connection, it may be stated that the powers of the various authorities competent to grant extension of service to Corporation employees were examined with reference to the provisions of the City of Bangalore Corporation Act, 1949 and the Mysore Service Regulations The powers of Government with regard to appointment of the Corporation employees are detailed in Sections 84, 85 and 89 of the Act There is a difference in the nature of the appointment under the three said sections While the Government have powers to sanction appointments made by Corporation under Section 84 and also vary the salaries and allowances covered by such appointments, those appointments only of employees whose salary is above Rs.250/- and come under the purview of section 89 require the sanction of Government, and not the extension of service

p t o

Grant of Extension of Service to Sri Desikachar Manager Corporation —

(IV) File No 23945/3211/52 of 195

Mysore Government Secretariat

Serial No

and (b) to permit Sri Desikachar to avail refused leave of six months from 4-9-54 ~~is for reconsideration~~ the leave is admissible according to Article 154 a (2) of M S R

2/8/54 Sec 3/8

31) The recommendation of the Corporation as intimated in their letter dated 29-7-54 Comm's remarks are appd, as the Appeal has been confirmed

Office

Secy Dept

11 AUG 1954 M L S G DEPARTMENT

OFFICE OF THE MINISTER FOR PUBLIC HEALTH & LOCAL SELF GOVERNMENT 13 AUG 54 No 2099

32) The Mayor and the Commissioner had met me. They stated that the Corporation had no intention of defying the orders of Govt. They also pointed out that the Appeal was extremely competent and that it would be difficult to replace him In view of this, the latest proposal of the Corporation may be appd

GVR Rao 13/8

Secy Dept

33) Appd JR 19/8/54

34) Draft G.O is subs for approval

G 19/8/54 Sec 19/8

35) Done

To the Comm'r Corp'n of Mysore
" Appellant
" Controller of Accts
" Audit Officer, Corp'n
L 60468-57/ CAB 52-52-14 Dt 24-8-54
Secretary to Corporation

B 24-8-54

WD 04861—GPB—60 000—22-1 51

(1) 128

CORPORATION OF THE CITY OF BANGALORE.

No B/12/247/53-54
211

CORPORATION OFFICES,
BANGALORE

Dated 29th March 1954
31st

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE.

-1 APR 1954

To

The Secretary to the Government of Mysore,
L S G and Planning Departments,
Bangalore

SIR,

Subject EXTENSION OF THE SERVICES OF SRI T S DESIKACHARI, B A , MANAGER

With reference to your letter No 16154 dated the 8th March 1954, I write to state that the said letter was placed before the Corporation at their meeting held on 18th March 1954 They have resolved that the extension of service for six months be given to Sri T S Desikachari, Manager, from 4th March 1954 and that he may be permitted to avail himself of the refused leave for six months from 4th September 1954. vide copy of the resolution enclosed This is practically a re-iteration of their original resolution dated 30th November 1953

2) In this connection, it may be stated that the powers of the various authorities competent to grant extension of service to Corporation employees were examined with reference to the provisions of the City of Bangalore Corporation Act, 1949 and the Mysore Service Regulations The powers of Government with regard to appointment of the Corporation employees are detailed in Sections 84, 85 and 89 of the Act There is a difference in the nature of the appointment under the three said sections While the Government have powers to sanction appointments made by Corporation under Section 84 and also vary the salaries and allowances covered by such appointments, those appointments only of employees whose salary is above Rs.250/- and come under the purview of section 89 require the sanction of Government, and not the extension of service

p t o

3) Under Article 294 (c) of the Mysore Service Regulations, Heads of Departments are empowered to grant extension of service to non-gazetted officers for a period of not exceeding six months (subsequently amended to one year) For Government Officers, the Government have to grant extension Under the note to this Article defining several Heads of the Departments, the Commissioner, Corporation of Bangalore, is empowered to grant extension of service in respect of the non Gazetted Staff directly recruited by him, i.e., up to Rs.100/- p m —As the position of the Corporation is different from that of the Government, it follows ipso facto therefrom that the extension of service in the case of other non-gazetted officials whose pay exceeds Rs.100/- has to be sanctioned only by Corporation

4) I am making this further reference to the Government as the Auditor wants the sanction of Government for admitting the salary bill of the official, as the proposal was not accepted first by the Government In view of the circumstances explained above the Auditor may kindly be directed to pass the salary bills as usual

Forwarded with compliments

Seetha Ram

(H S Seetharam,)
MAYOR

Yours faithfully,

K Henjerappa 9/3

(K Henjerappa,)
COMMISSIONER

TNL

RESOLUTION PASSED AT THE ADJOURNED MEETING OF THE CORPORATION OF THE CITY OF BANGALORE HELD ON 18TH MARCH 1954.

Urgent Addl. subject No.3 Commissioner's note dated 11th March 1954 on the Government letter No.16154 dated 8th March 1954 (Received on 9th March 1954) declining to approve the resolution of the Corporation dated 30th November 1953 regarding the extension of service to Sri T.S. Desikachari, Manager, Corporation of Bangalore.

Sri.V.P. Deenadayala Naidu moved the following resolution:-

"Resolved that the previous resolution of the Corporation dated the 30th November 1953 viz., (1) to grant an extension of service of one year to Sri T.S. Desikachari, Manager, Commissioner's office from 4-3-1954, (2) to refuse the leave for 6 months applied for by him and (3) to permit him to avail of the refused leave from 4-9-1954, be reiterated."

Sri M Jayadevan seconded the resolution.

Srimathi B. Indiramma moved the following amendment:-

"An extension of service of six months be given to Sri T.S. Desikachari, Manager, Commissioner's office, from 4-3-1954 and he may be permitted to avail himself of the refused leave from 4-9-1954."

Srimathi B K Saraswathamma seconded the amendment.

The mover accepted the amendment

Sri B H. Sanjeevappa wanted to know whether the power to grant [illegible] vested in the Corporation and if so why was it sent to Government for sanction.

The Mayor replied that since the Auditor had raised an objection, it was sent to Government for sanction though according to the Corporation Act and the Mysore Service Regulation, the Corporation was the competent authority to grant such extensions.

Sri R. Dayananda Sagar pointed out that it was not right that they should surrender their powers to the Government simply because the Auditor had raised an objection. He suggested that necessary instructions must be given to the Auditor in such cases.

The following amended resolution was put to vote and passed:-

"Resolved that an extension of service for six months be given to Sri T S. Desikachari, Manager, Commissioner's office from 4-3-1954 and he may be permitted to avail himself of the refused leave from 4-9-1954."

Copy

Sd. H S Seetharam,
Mayor.

COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE

Appendix F G—1]

SUBJECT Extension of the Services of T S Dorairaman, B.A., Manager of the Corporation Offices

(4)

3 Copies

Section CM

File No 52-54

Serial No 5

Diary No of letter replied to 128

No L 2889/16-6-53

To The Commissioner for Hindu Religious & Charitable Endowments

Mysore Government Secretariat

( )

the 195

Sir,

With reference to your letter No. B 12 247/53-54 dated 29/31-3-1954 stating that Corporation has power to grant extension of service to its employees who have been directed to state that as per Article 297(c) of the M.S.R. the power to Commissioner of the Corporation is treated as the Head of the Department and subordinate Heads of the

Date of issue

Signed by

List of enclosures

Copied by

Examined by

Appendix F G—1]

SUBJECT Extension of benefits of TS Rules to Dasikachari, S.B., Manager of the Corporation Press

(4)

3 Copies

Section CM
File No 52-54
Serial No 5

Diary No of letter replied to 128

No L 2889/16-6-53

Mysore Government Secretariat

( )

the 195

To

The Commissioner Cell
through the Mayor

Sir,

With reference to your letter No. B 12 247/53-54 dated 29/31-3-1954 stating that Corporation has power to grant extension of benefits to its employees on par directed to state whether as per Article 294(c) of the MSR your Corporation is treated as the Head of the Department and whether Heads of

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 03545—GPB—40 000—25 6-53

(5)

Departments are authorised to grant extension of service for a period not exceeding six months only in very exceptional cases if it is considered essential and such extension is considered absolutely necessary in the interest of Public Service Rule 294(c) of the MSR gives Power to the Heads of Departments to grant extension for a Period of six months but, according to Letter dtd of the Corporation the Principal Secretary of Government is necessary for making an appointment carrying a salary exceeding Rs 250/- If no extension is given to Sri Deekacharu he has to automatically retire as the office or official can claim extension as a matter of right

It is stated by your Task for

G S App F G 3

MYSORE GOVERNMENT
SECRETARIAT

(Continuation sheet draft form)

(6)

Present Case is not governed by Section 89 of the Corporation Act and Sec's Contention cannot be accepted as no authority or any provision of law is cited in support of his Contention or the Sec's law, Contention should be practically treated as fresh appointment Inter, if ~~any Conflict~~ there is any Conflict between the M S R and the Corporation Act, the Provisions of the latter Act have to prevail in the circumstances hence Section of Government is necessary for the grant of Extension

Law also to enjoin/~~has~~ you Law to enjoin

Letter for Legal opinion

WD 03546—GPB—10 000 —14 8 53

(8)

L.2889/CM 52-54-5

Municipal Branch,
16 June 54

The

L.S.G. & Planning, Departments

To

The Commissioner,
Corporation of the City of Bangalore,
(through the Mayor)

Sir,

Subject:- Extension of the services of Sri T.S.Desikachari, B.A., Manager of the Corporation Offices.

With reference to your letter No.B.12-247/53-54 dated 29/31st March 1954 stating that Corporation has power to grant extension of service to its employees etc., I am directed to state that as per Article 294(c) of the Mysore Service Regulations, the Commissioner of the Corporation is treated as the Head of the Department and Heads of Departments are authorised to grant extension of service for a period not exceeding six months only in very exceptional cases, if the Government servant is considered to be efficient and such extension is considered absolutely necessary in the interest of public service. Article 294(e) of the Mysore Service Regulations gives power to the Heads of Departments to grant extension for a period of six months but according to section 89 of the Corporation Act, previous sanction of Government is necessary for making an appointment carrying a salary exceeding Rs.250/- If no extension is given to Sri Desikachari, he has to automatically retire as no officer or official can claim extension as a matter of right.

2. It is stated by you that the present case is not governed by section 89 of the Corporation Act. This contention cannot be accepted as no authority or any provision of law is cited in support of this contention. On the other hand, extension of service may be practically treated as fresh appointment. Further, if there is any conflict between the Mysore Service Regulations and the Corporation Act, the provisions of the latter Act have to prevail in the circumstances. Hence, I am to inform you that previous sanction of Government is necessary for the grant of extension.

3. I am also to enquire whether the official referred to above

[redacted]

[redacted]

128 10)

CORPORATION OF THE CITY OF BANGALORE.

No B/12/247/53-52

SECRETARIAT 2394 30 JUN 1954 ULTRA BRANCH
GOVERNMENT DEPARTMENT

CORPORATION OFFICES,
BANGALORE 29 JUN 1954
Dated 28th June, 1954

FROM

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

The Secretary to the Govt. of Mysore,
L S.G. & Planning Departments,
Bangalore.

SIR

Subject - Extension of the services of Sri T.S Desikachari, B.A., Manager of the Corporation Offices

With reference to your letter No L 2889/C M.52-54-5 dated 17th June 1954, I wrote to state that I referred the said letter to the Corporation Advocate with a view to finding out whether the stand taken by me as Head of the Department and approved by the Corporation was incorrect. The view expressed by him is extracted below -

"The stand taken by the Commissioner and the Corporation is in accordance with law and is not open to any legal difficult My view is based on the following -

The relevant provisions in this case are (1) Section 89 of the Corporation Act and (2) Article 294 'C' of the Mysore Service Regulations So far as Section 89 of the Act is concerned, I am of the view that it deals only with appointments and nothing more. In this case, the appointment is already made and both the appointment and the schedule relating to it have been duly approved by the Government. Therefore, the Government cannot interfere under Section 89 of the Corporation Act. Article 294 'C' of the Mysore Service Regulations empowers the Commissioner to grant extension of service to non-gazetted officials for a period not exceeding six months subject of course to the other conditions embodied in the said Article Corporation Act does not provide for extension of service as such by any specific provision therein

p.t o.

Therefore the only authority for extension of service is to be found in Article 294 'C) of the M S R Under this Article, extension of service to the official in question is granted for a period of six months only and hence it is perfectly in order particularly so, in view of this official being a non-gazetted official. In the ordinary course, this decision of the Commissioner need not even go before the Corporation for its ratification as the rules stand at present.

Under the above circumstances and also in view of the fact that the words "Appointment" and "Extension" connote two different meanings enjoining different privileges such as increment, pension etc, I am definitely of the opinion that the view taken by the Government that extension of service amounts practically to a fresh appointment is not well-based and it conflicts with the specific provisions of the Corporation Act and the M S.R.

As I was of the same view even at the outset, I placed your letter No L 16154 dated the 8th March 1954 before the Corporation at their meeting held on 18th March 1954. They practically reiterated their original resolution that an extension of service for six months be given to Sri T.S. Desikachari, from 4-3-1954 and he may be permitted to avail himself of the refused leave from 4-9-1954 as the extension is considered absolutely necessary in the interest of public service He is continued in service under the powers vested in me under Article 294 'C' of the M S.R and on the strength of this resolution in the interest of public service In the circumstances, I request that the Government may kindly issue direction to the Auditor to admit the salary bills

If the Government still feel that their sanction is necessary, I request that the Government may be pleased to approve the said resolution of the Corporation very early

Forwarded with compliments

Seetha Ram

(H S Seetharam,)
MAYOR

Yours faithfully,

(K Henjerappa,)
COMMISSIONER

28/4

28/4

L 4835 / 28-7-54 C W 512-54-9(12)

- Draft

To

The Commissioner, C & B
(thro' the Mayor)

Sir,

Subject - Extension of Services of Sri T S Desikachari, B A , Manager, Corporation Office

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With reference to your letter No B 12/247/3-4 dated the 28th June 1954 stating that the services of the Manager were continued under the powers delegated by Article 294(c) of Mysore Service Regulations and also on the strength of the resolution of the Corporation and requesting sanction of Government to the resolution of the Corporation, I am directed to observe that you were informed ~~over~~phone and in this office letter No L 16154 dated the 8th March 1954 not to continue the official in service It was further clarified that the said extension of service is not governed by article 294(c) of M S R and that therefore previous sanction of Government is necessary

2 In spite of the above specific directions, his services have been continued This is a clear case in which the ~~Corporation~~ have ~~defied~~ the direction ~~orders~~ of Government ~~have~~ not been adhered to

3 As intimated already, if there is any conflict between the Mysore Service Regulations and the Corporation Act, the provisions of the latter will prevail I am therefore to inform you once again that previous sanction of Govt was necessary to grant extension In the case under reference, previous sanction of Government has not been obtained as required

(13)

by Law ~~This is an extremely unhealthy tendency and it would be the duty of Government to see that the provisions of law are obeyed~~ I am to state that your proposal cannot be approved

Yours faithfully,

Secretary to Government,
L S G & Planning Departments

Memo No L 2817 4836-J/28-J-54

Copy of the above is forwarded to -

(1) The Controller, S A D ,
(2) " Auditor, C C B , Bangalore,
for information

Secretary to Government,
L S G & Planning Departments

LNS 23/7

28/7/54

URGENT

CORPORATION OF THE CITY OF BANGALORE

3211 30 JUL 1954

No B 12 247/53-54
Enc One

CORPORATION OFFICES,
BANGALORE

Dated 29th July 1954

SECRETARY TO GOVERNMENT FROM 29 AUG 1954 TO L S G DEPARTMENT

THE COMMISSIONER,
CORPORATION OF THE CITY OF BANGALORE,
BANGALORE

The Secretary to the Government of Mysore,
L S G and Planning Departments,
Bangalore

SIR

Subject Extension of service of Sri T S Desikachari, Manager, Corporation Offices

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In pursuance of the discussions with you by the Mayor and myself on 15th July 1954 the Government letter No L 4855/C M 52-54-9 dated 28th July 1954 was placed before the Corporation at their meeting held on 28th July 1954 The Corporation conceded the legal points raised by the Government in the letter referred to above and unanimously resolved to request the Government to sanction the extension of service to Sri T S Desikachari for a period of six months from 4th March 1954 and to permit him to avail the refused leave of six months from the 4th September 1954 in recognition of the long and appreciable service rendered by him - vide copy of the resolution enclosed

He has been continued in service in the interest of wo as already stated in my previous letter dated 28th June 1954 and the period of extension is almost over He will be relieved on 4-9-1954 and permitted to avail the refused leave

I therefore request you to obtain sanction of the Government to the resolution of the Corporation at an early date

Forwarded with compliments
Seetha Ram
(H S Seetharam,)
MAYOR

Yours faithfully,
K Henjerappa
(K Henjerappa,)
COMMISSIONER

TNL/1

(15)

Resolution passed at the Adjourned Meeting of the Corporation of the City of Bangalore, held on the 28th July 1954

Page 12

Urgent Additional Subject No.H. - Letter No L.4836/CM.52-54-9 dated 28-7-1954 from the Secretary to Government, L S G. and Planning Departments, intimating that the resolution of the Corporation to grant extension of service to Sri T S. Desikachari, B.A , Manager, for six months from 4th March 1954 and to permit him to avail the refused leave of 6 months from 4-9-1954 cannot be approved in the circumstances detailed in the letter and the note of the Commissioner thereon

Sri V. P. Deenadayalu Naidu moved the following resolution -

"The Corporation concedes the legal points raised by the Government in the letter cited above and requests the Government to accord sanction for the extension of the service of Sri T. S. Desikachari, B.A., Manager, Commissioner's Office, for a period of six months from the 4th March 1954 and to permit him to avail the refused leave for six months from 4th September 1954 in view of the long and appreciable service rendered by him. "

Sri Y. Ramachandra seconded the resolution and it was passed.

Sd Seetharam, H S
MAYOR

"Copy"

N Seetharam
For Commissioner

M G S App F VI—G 2]

(16)

SUBJECT

Diary No of letter replied to 3211

Mysore Government Secretariat

( )

the *195*

Date of issue 24-8- 195 4

Signed by Sri L-H

May this be—
(i) printed ?
(ii) treated as a Standing Order ?
(iii) published in the Gazette English Part ?
(iv) translated ?
(v) placed at the disposal of the Press ?
(vi) published in the Gazette Kannada Part ?

MG 12 gc

7 Copies

Section CM

Serial No S'2-57

File No 14

Proceedings of the Government of Mysore

Read— Correspondence ending with letter no B 12 247/53-54 dated 29-7-1954 from the Commissioner, C.C.B stating that the Corporation conceded the legal points raised by Government in their letter No L 4835/CM S'2-57-9 dated 28-7-1954 and requesting sanction to the grant of extension of service to Dr T S Desikachari B A Manager, Corporation Offices,

Order thereon—No Corporation conceded the legal points raised by Government in their letter No L 4835/CM S'2-57-9 dated 28-7-1954 and requesting sanction to the grant of extension of service to Dr T S Desikachari B A Manager, Corporation Offices,

(17)

for a period of six months only as against one year originally proposed / from 4-3-1954 and to permit them to avail the refused leave of six months from the 4th-9-1954 on account of his long and appreciable service, as apprised by the Corporation in the resolution dated 28-7-1954.

Order No. L 6048-51/CH 52-54-14

24-8-54

The above proposal of the Corporation is approved in the circumstances explained.

Sd/-

for Secretary to Govt.

Housing

To The Commissioner, Corporation of Cochin

Copied by

Examined by

WDf03540—GPB—40 000—15 8 53

RECORD OF PROCEEDINGS

(18)

SUB -

Correspondence ending with letter No. L.12.247/53-54 dated 29th July 1954 from the Commissioner, Corporation of the City of Bangalore, in the matter of the Corporation according the legal points raised by Government in their letter No. L.495/CR. 52-54-9 dated 28th July 1954 and according sanction to the grant of extension of service to Sri T. Devarajappa, B.A., Manager, Corporation Offices, for a period of six months only out of the first one year of initially proposed from 4th March '54 and to permit him to avail the reduced leave of six months from the 4th September 1954 in view of his long and meritorious service, as approved by the Corporation in its resolution dated 26th July 1954.

- - - -

ORDER NO. L.G.S.E.-51/CR. 52-54-14

Dated, Bangalore, the 26th August 1954

The above proposal of the Corporation is approved in the circumstances explained.

(By Command of the Governor)
for Secretary to Government,
Local & Municipal Departments.

To

The Commissioner, Corporation of the City of Bangalore, thro' the Mayor
" Accountant General, Bangalore,
" Controller, State Audit Department, Bangalore,
" Auditor, Corporation of the City of Bangalore.

Mem. No. L.S.E./24.8

App F IX-4

Previous References
CH Sec/ NF 753/53

1954-55
(CH)

File No 52-64-
Serial Nos 4, 5 & 14

Later References
LL 477 B4 B5)

MYSORE GOVERNMENT SECRETARIAT

Serial Nos FOUR

P=30
E

Part B for August 1954

SUBJECT

Grant of extension of services to Sri T S Resikachar, B A, Manager Corporation of the city of Bangalor

WD 04867—GPB—9 000—11 1 54

To,

The Commissioner, Bangalore corporation
" Accountant General
" Controller, S A-D,
" Auditor, Bangalore corporation
L-6068-51/ Dated 24 8 54

Sanctions

18/9/54.